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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,201	05/15/2001	Mai-lan Tomsen	4000.2.21	2513
32641	7590	01/26/2006	EXAMINER	
DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			FISH, JAMIESON W	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/858,201	<b>Applicant(s)</b> TOMSEN ET AL.	
	<b>Examiner</b> Jamieson W. Fish	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10-26-2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 36-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, 36-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 10-26-2005 have been fully considered but they are not persuasive. The applicant argues References do not disclose or suggest 1) Replacing triggers based on pre-selected user preferences 2) Blocking access to enhanced content without replacing triggers 3) Blocking for selected customers 4) Selective filtering of triggers based on filtering criteria 5) Appending links to a trigger and adding a mechanism for choosing between the links.

In response to argument 1), as the applicant admits in the remarks (See Page 9 Paragraph 2) "Reynolds can 'replace all or part of [a] national automobile ad with advertising that is targeted to [a] particular metropolitan area.'" The applicant's specification gives an example of "local weather" as customer preference (See Specification Page 22 and Remarks Page 9 paragraph 1). Local weather is based on a customer's geographic location as is advertising that is targeted to a particular metropolitan area. Thus, a local advertisement is analogous to "local weather" and thus is a customer preference. Furthermore, "pre-selected" view in context of Page 22 of the specification, does not distinguish the applicant's "local weather" customer preference from Reynolds local advertisement. Thus, Reynolds meets the limitation of "according to pre-selected customer preference."

In response to argument 2) Reynolds teaches two types of meta data: Meta data 114/133, generic meta data, and Meta data 142, local meta data (See Paragraphs 0027, 0031, 0041). Reynolds teaches that in most cases generic meta data (first

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trigger) is replaced by local meta data (See Paragraph 0041). However, Reynolds also teaches that in some situations that substitution of local meta data is not permissible i.e. access to local meta data (selected enhanced content) is blocked. When it is not permissible to substitute local meta data the generic meta data is inserted into the stream. Thus, selected enhanced content (local meta data) is blocked without replacing the first trigger with a second trigger.

Applicant's arguments (3)-(5) have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims **1-6, 8, 11-15, 18-19, 36-41** are rejected under 35 U.S.C. 102(e) as being anticipated by Reynolds et al (US 2001/0037500).

Regarding claim **1**, Reynolds teaches a method for modifying enhanced programming for an interactive television system, the method comprising: intercepting a first trigger at a cable operator facility, the first trigger being embedded in a television broadcast (See Fig. 2, Fig. 4 Step 202 and Paragraphs 26, 27, 29-32); replacing the first trigger with a second trigger according to pre-selected customer preferences (See Fig. 4 Step 214 Paragraphs 26, 27, 29-32); and sending the second trigger to the interactive television system with the television broadcast (See Fig. 4 Step 216 Paragraphs 26, 27, 29-32).

Regarding claim **2**, Reynolds teaches wherein the first trigger comprises a first link to a first set of enhanced content (See Fig. 2, Fig. 4 Paragraphs 26, 27, 29-32).

Regarding claim **3**, Reynolds teaches wherein replacing the first trigger with a second trigger comprises: replacing the first link with a second link to a second set of enhanced content (See Fig. 2, Fig. 4 Paragraphs 26, 27, 29-32).

Regarding claim **4**, Reynolds teaches wherein the first and second links comprise uniform resource locators (URLs) (See Paragraph 7).

Regarding claim **5**, Reynolds teaches wherein the first trigger comprises a first message (See Paragraph 8 Announcements are messages).

Regarding claim **6**, Reynolds teaches wherein replacing comprises: substituting a second message for the first message (See Paragraph 27).

Regarding claim **8**, Reynolds teaches wherein the first trigger relates to enhanced content for a first geographic location and the second trigger relates to enhanced content for a second geographic location (See Paragraph 27).

Regarding claim **11**, Reynolds teaches wherein the first trigger relates to content of a national interest and the second trigger relates to content of a local interest (See Paragraph 27).

Regarding claim **12**, Reynolds teaches wherein the second trigger contains directed advertising related to the first trigger (See Paragraph 27).

Regarding claim **13**, Reynolds teaches wherein the first trigger is embedded into the television broadcast by one selected from a group consisting of a producer, a broadcast network, a studio, and a cable operator (See Paragraph 26).

Regarding claim **14**, Reynolds teaches wherein the second trigger is identical to the first trigger (See Fig. 4 Steps 212, 214 Paragraph 42 Unchanged metadata is inserted into video data stream).

Regarding claim **15**, Reynolds teaches wherein the second trigger comprises at least a portion of the first trigger (See Paragraph 27).

Regarding claim **18**, Reynolds teaches a method for blocking access to selected enhanced content (See Paragraph 41 Substitution of local meta data is not permitted) during a television broadcast, the method comprising: intercepting a first trigger at a cable operator facility, the first trigger being embedded in a television broadcast (See Fig. 2, Fig. 4 Step 202 and Paragraphs 26, 27, 29-32); removing the first trigger from the television broadcast (See Fig. 2, Fig. 4 Step 204 and Paragraphs 26, 27, 29-32); and sending the television broadcast to an interactive television system of a customer without replacing the first trigger with a second trigger (See Fig. 2, Fig. 4 Step 212 and Paragraphs 26, 27, 29-32, 42).

Regarding claim **19**, claim **19** is a system claim corresponding to method claim 1. Thus, claim **19** is discussed and rejected according to claims 1.

Regarding claim **36**, Reynolds teaches wherein the intercepting and removing steps are only performed for selected customers (See Paragraph 28 Meta data intercepting and removing can be at any distribution point).

Regarding claim **37**, Reynolds teaches storing filtering criteria for determining whether a particular trigger should be blocked (See Paragraph 38); and determining that the first trigger should be blocked based on the filtering criteria (See Paragraph 38

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When there is a specific trigger to replace the generic trigger, the first trigger should be blocked, but does not have to be).

Regarding claim **38**, Reynolds teaches wherein the filtering criteria include blocking a trigger for a commercial that is foreign to a viewing area of a customer (See Paragraph 38 and 42).

Regarding claim **39**, Reynolds teaches wherein the filtering criteria include blocking all triggers of a particular type (See Paragraph 41).

Regarding claim **40**, Reynolds teaches wherein the at least one type of trigger to block includes interactive commercials (See Paragraph 27).

Regarding claim **41**, Reynolds teaches wherein the intercepting and removing steps are performed responsive to pre-selected customer preferences (See Fig. 4 Step 214 Paragraphs 26, 27, 29-32).

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims **7, 9-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds.

Regarding claim **7**, Reynolds fails to disclose replacing a first trigger with a second trigger of a different language. However, Reynolds does teach where triggers can be in different languages (See Paragraph 8). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds so that the first trigger related to enhanced content for a first language and the second

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trigger related to enhanced content for a second language in order to tailor a broadcast to a local market (See Paragraph 15).

Regarding claims **9-10**, Reynolds fails to disclose where triggers relate to religion/ethnicity. Official Notice is taken that it is well known that ethnic/religious demographics are two characteristics that relate to the population of a geographic area. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds so that triggers related to religion/ethnicity of the local market in order to tailor broadcasts to the local market (See Paragraph 15).

1. Claims **16-17, 42-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Blacketter (US 6,560,777).

2. Regarding claim **16**, in Reynolds the second trigger does not necessarily replace a portion of a URL of the first trigger. In a similar endeavor, Blacketter teaches where a general portion of a URL is replaced with more specific portion (See Col. 5 lines 5-28). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds so that the second trigger comprised the URL of the first trigger in order to provide an effective way to distinguish each type of specific content from another (See Col. 5 lines 18-27).

Regarding claim **17**, Reynolds fails to disclose wherein the second trigger further comprises supplemental enhanced content appended to the first trigger and wherein the second trigger is configured to provide a choice between enhanced content and supplemental enhanced content for display on the interactive television system. Blacketter teaches a using trigger that is a collection of multiple resources in order to



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provide a choice between which content is displayed (See Fig. 3 Sports page 322 and Col. 2 lines 47-60, Col. 3 lines 59-67, Col. 4 lines 1-2). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds so that the second trigger was configured to provide a choice between enhanced content and supplemental enhanced content for display on the interactive television system in order to allow the users to select the enhancement they prefer.

Regarding claim **42**, Reynolds teaches a method for modifying enhanced programming for an interactive television system, the method comprising: intercepting a first trigger at a cable operator facility, the first trigger being embedded in a television broadcast and comprising a first link (See Fig. 2, Fig. 4 Step 202 and Paragraphs 26, 27, 29-32); replacing the first trigger with the second trigger within the television broadcast (See Fig. 4 Step 214 Paragraphs 26, 27, 29-32). Reynolds fails to disclose creating a second trigger by appending a second link to the first link. However, Blacketter teaches creating a second trigger by appending a second link to a first link (See Col. 5 lines 5-28 Language portion is appended to wildcard of URL). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds to append a second trigger to a first trigger as taught by Reynolds so a collective resource identifier can be used to for multiple links and thus reduce transmission bandwidth (See Reynolds Col. 4 lines 50-57).

Regarding claim **43**, Reynolds modified with Blacketter teaches adding a mechanism to the second trigger for providing a customer with a choice between the first link and the second link (See Fig. 3 322, User can choose language).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 01-23-2006

  
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